

FILED

**BEFORE THE
LABOR AND INDUSTRIAL RELATIONS COMMISSION
JEFFERSON CITY, MISSOURI**

APR - 9 2004**LABOR AND INDUSTRIAL
RELATIONS COMMISSION**

In the matter of: State wide Objection to Annual Wage Order No. 11, as it Pertains to the
Occupational Title of Electrician/Inside Wireman of Local Union No. 1
International Brotherhood of Electrical Workers, AFL-CIO

On Behalf of: Local Union One, International Brotherhood of Electrical Workers, AFL-CIO
and its Affiliated Local Unions

Objector.

OBJECTION

COMES NOW Objector and files its Objection to Annual Wage Order No. 11, and states as follows:

1. Local Union No. 1, International Brotherhood of Electrical Workers, AFL-CIO (the "Union"), is an unincorporated association representing members who perform work in the construction trades throughout the state of Missouri of the type covered by Section 290.210, RSMo., *et seq.* (the "Missouri Prevailing Wage Law"). These members also perform work of the type at issue in this Objection on a regular basis. Through well-established precedent the Union has historically been permitted to represent the interests of its members before the Labor and Industrial Relations Commission, as have other unincorporated associations.

2. A review of the applicable collective bargaining agreements and construction practice throughout the State of Missouri and of the Missouri Prevailing Wage law, and of 8 C.S.R. 30-3.060, promulgated pursuant to that Law, reveals that a change must be made to said Rule to bring the Rule in compliance with applicable collective bargaining agreements and construction practices in Missouri. This Objection is, therefore, a State wide objection.

3. The Occupational Titles of Work Descriptions Rule, 8 C.S.R. 30-3.060, states in the Purpose Section that the "Rule describes by occupational title the type of work performed in the construction of a public works project in Missouri".

4. Said Purpose Section of 8 C.S.R. 30-3.060, further states, "Each occupational title of work description shall be based on the particular nature of the work performed, with consideration given to those trades, occupations or work generally considered within the construction industry as constituting a distinct classification of work."

5. Confusion has arisen concerning the movement of electrical equipment once it arrives at the site of construction. Certain contractors not signatory to a Union collective bargaining agreement have taken the position that the occupational title of General Laborer covers the moving of electrical equipment at the site on the ground that such movement constitutes the "loading and unloading" of "construction material by hand". 8 C.S.R. 30-3.060(8)(K).

6. The occupational title of Electrician/Inside Wireman currently includes the "handling and moving of any electrical materials, equipment and apparatus on the job site where power equipment and rigging are required." 8 C.S.R. 30-3.060(8)(G)1.B.

7. In order to clarify the confusion which exists, it is proposed that the occupational title of Electrician/Inside Wireman be amended to reflect that all handling, moving, loading and unloading of electrical equipment, materials and apparatus on the site, is within the occupational title of the Electrician/Inside Wireman.

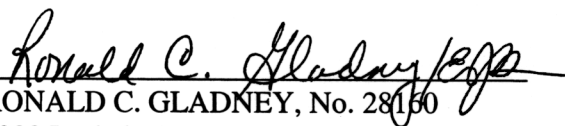
8. It is therefore proposed that 8 C.S.R. 30-3.060(8)(G)1.B be deleted and substituted therefore with the following language:

"All handling, moving, loading and unloading of any electrical materials, materials used in association with an electrical system, electrical equipment, and electrical apparatus on the job site."

9. The proposed change to the language of the Rule as described above would make it clear that handling, moving, loading and unloading of electrical materials, equipment and apparatus on the job site, is solely within the occupational title of the Electrician/Inside Wireman.

WHEREFORE, it is respectfully requested that the Labor and Industrial Relations Commission amend 8 C.S.R. 30-3.060 to accurately reflect that the occupational title of Electrician/ Inside Wireman and only said occupational title shall cover the handling, moving, loading and unloading of electrical materials, equipment and apparatus on the job site, and for such other changes as are deemed appropriate.

BARTLEY GOFFSTEIN, L.L.C.


RONALD C. GLADNEY, No. 28150
4399 Laclede Avenue
St. Louis, Missouri 63108
Telephone: 314-531-1054
Facsimile: 314-531-1131

Attorneys for Objector

CERTIFICATE OF SERVICE

An original and two (2) copies of the foregoing was served on Pamela Hofmann, Administrative Secretary, Labor and Industrial Relations Commission, 3315 West Truman Boulevard, P.O. Box 599, Jefferson City, Missouri 65102-0599, by **Certified Mail**; and a copy was served on the following individuals by placing same, postage prepaid, in the U.S. mails this 9th day of April, 2004:

Colleen Baker, Director
Division of Labor Standards
3315 West Truman Boulevard
P.O. Box 449
Jefferson City, Missouri 65102-0449

Michael Pritchett, Assistant Attorney General
Attorney General's Office
Broadway State Office Building
221 West High Street, 4th Floor
P.O. Box 899
Jefferson City, Missouri 65102-0899